



ATTORNEY'S DOCKET NO: 0245352-0013

1502

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Lee et al.  
Serial No. : 08/729,343  
Filed : October 16, 1996  
For : ORTHOPEDIC AND DENTAL CERAMIC IMPLANTS

AUG 7, 1997

GROUP 1500

#8  
8/21/97  
8.21.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A.  This Supplemental Information Disclosure Statement has been filed  
(check 1, 2 and/or 3 below)

1.  within three months of the filing date of the above identified U.S. Patent application.
2.  within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application.
3.  before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

B.  This Supplemental Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1.  The fee of \$210 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2.  The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that

(check a or b below)

- a.  each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b.  no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

C.  This Supplemental Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check a or b below)

1. The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:
  - a.  each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
  - b.  no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A Petition requesting consideration of the Supplemental Information Disclosure Statement is attached.

3. The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

[X] A. Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

[X] B. The Applicant hereby makes the following additional information of record in the above-identified application:

The reference submitted with this Supplemental Information Disclosure Statement was inadvertently omitted when the Information Disclosure Statement was mailed on July 2, 1997.

[ ] PART III: Explanation of Non-English Language References and Remarks  
Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified U.S. and foreign patent(s) and publication(s) is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

By submitting this Supplemental Information Disclosure Statement, Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicant, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

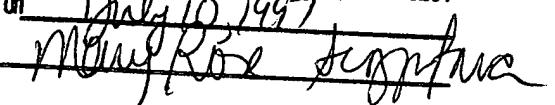
Respectfully submitted,

  
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Dated: July 10, 1997

DS1.342717.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on July 10, 1997



<p>Form PTO-1449 (REV. 3-83) <b>67461</b> JUL 14 1997</p> <p><b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b></p> <p>(Use several sheets if necessary)</p>		U.S. Department of Commerce Patent and Trademark Office	Atty. Docket 0245352-0013	In re Application No. 08/729,343
			Applicant: Lee et al.	AUG 7 1997 GROUP 1500
			Filing Date 10/16/96	Group 1500
<b>U. S. PATENT DOCUMENTS</b>				
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	
<b>FOREIGN PATENT DOCUMENTS</b>				
Examiner's Initials	Document No.	Country	Date	Translation
				Yes
Examiner's Initials	<b>OTHER DOCUMENTS</b> (Including Author, Title, Date, Pertinent Pages, Etc.)			
	Glimcher et al., "Recent studies of the mineral phase in bone and its possible linkage to the organic matrix by protein bound phosphate bonds", Phil. Trans. R. Soc. Lond., B. 304: 479-508 (1984).			
EXAMINER		DATE CONSIDERED		
<p>EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>				